

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**ERIC L. ESPINOZA,**

**Plaintiff,**

**vs.**

**No. CIV 09-0343 RB/WDS**

**BOARD OF COUNTY COMMISSIONERS  
OF RIO ARRIBA COUNTY, NEW MEXICO,  
Rio Arriba County Detention Center, a New Mexico  
Governmental Entity; BIDAL A. CANDELARIA,  
Individually and in his Official Capacity as Director,  
Rio Arriba County Detention Center; DENNIS R.  
HERRERA, Individually and in his Official Capacity  
as Assistant Administrator for Security, Rio Arriba  
County Detention Center; and EIGHT UNIDENTIFIED  
CORRECTIONS OFFICERS OF THE RIO ARRIBA  
COUNTY DETENTION CENTER, Individually and in  
their Official Capacities,**

**Defendants.**

**ORDER**

**THIS MATTER** came before the Court on Defendants' Motion to Strike Plaintiff's Witnesses, (Doc. 84), filed on September 17, 2010. Plaintiff did not file a response in opposition to this motion.

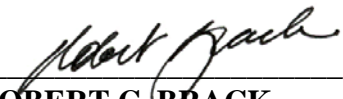
On September 14, 2010, Plaintiff served his witness list on Defendants. (Defs. Ex. A). In the witness list, Plaintiff identified David Casias, Hector Martinez, Michael Diaz, Jimmy Romero, Fernando Espinoza, and Alejandro Manzanares, as witnesses he intends to call at trial. Defendants have moved to strike these witnesses on the ground that the Court previously ruled that the testimony of these witnesses would be excluded at trial.

On June 28, 2010, Defendants filed a Motion in Limine to exclude the testimony of these

witnesses because Plaintiff had failed to disclose their contact information, as required by Fed. R. Civ. P. 26(a). (Doc. 46). In his response to the Motion in Limine, Plaintiff stated he did not intend to call these individuals to testify at trial. (Doc. 54). On July 20, 2010, the Court issued a stipulated Order Granting Defendants' Motion in Limine and excluded the testimony of these witnesses from trial. (Doc. 60).

In that the Court previously excluded the testimony of these individuals from trial, and Plaintiff failed to file a response in opposition to Defendants' Motion to Strike Plaintiff's Witnesses, the Court finds that this motion should be granted.

**IT IS SO ORDERED.**

  
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**ROBERT C. BRACK**  
**UNITED STATES DISTRICT JUDGE**